

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NEW YORK

23-mj-05095

1  
2 UNITED STATES OF AMERICA  
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4 vs.  
5

FRANK NOESON,

Defendant.

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8 **NOTICE OF MOTION AND**  
**MOTION TO MODIFY**  
**CONDITIONS OF RELEASE**

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12 PLEASE TAKE NOTICE, that the undersigned, MARK J. BYRNE, ESQ.,  
attorney for the Defendant upon all the papers and proceedings heretofore had  
herein, hereby moves the Court to MODIFY THE DEFENDANT'S CONDITIONS  
OF RELEASE.

13 **AFFIRMATION**

14 MARK J. BYRNE, ESQ., an attorney at law, pursuant to 28 U.S.C.  
§1746(2), declares the following under penalty of perjury:

- 15 1) I represent the defendant, FRANK NOESON, in the above-entitled action  
16 brought by the United States of America and as such am familiar with the facts and  
17 circumstances of the case.
- 18 2) On May 2, 2023, a detention hearing was held, and the Court imposed  
19 conditions of release, *inter alia*, the Defendant not having contact with his minor  
20 son.
- 21 3) The Defendant has been compliant with all his conditions.
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4) On June 2, 2023, Child Protective Services conducted an investigation and determined that the allegation of abuse or maltreatment was unfounded. That finding is under seal, but a copy was provided to the Government.

5) The Defendant's son has been engaged in mental health treatment to cope with his inability to see his father; removing the stay-away condition would allow this process to be much more comfortable for him.

6) AUSA Aaron Mango has indicated that the Government has no objection to the relief requested in this motion.

7) Furthermore, United States Probation Officer Michael Macaluso has indicated that the Probation Officer does not object to modifying the condition.

8) Therefore, it is respectfully requested that the Court modify the conditions of release by removing the no contact order regarding Defendant's son and permitting him access under adult supervision through Defendant's wife.

**WHEREFORE** it is respectfully requested that the Court grant an Order setting modifying the conditions of release, allowing the Defendant supervised visits with his son.

Buffalo, New York  
August 14, 2023

Respectfully Submitted,

/s/ Mark J. Byrne

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TO: AARON MANGO  
Assistant United States Attorney